

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 942**

Introduced by Gay, 14.

Read first time January 14, 2010

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to  
2 amend section 53-123.15, Revised Statutes Cumulative  
3 Supplement, 2008; to provide for a special shipping  
4 permit; to provide for a fee; and to repeal the original  
5 section.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 53-123.15, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           53-123.15 (1) No person shall order or receive alcoholic  
4 liquor in this state which has been shipped directly to him or her  
5 from outside this state by any person other than a holder of a  
6 shipping license issued by the commission, except that a licensed  
7 wholesaler may receive not more than three gallons of wine in any  
8 calendar year from any person who is not a holder of a shipping  
9 license.

10           (2) The commission may issue a shipping license to  
11 a manufacturer. Such license shall allow the licensee to ship  
12 alcoholic liquor only to a licensed wholesaler, except that a  
13 licensed wholesaler may, without a shipping license and for the  
14 purposes of subdivision (2) of section 53-161, receive beer in  
15 this state which has been shipped from outside the state by a  
16 manufacturer in accordance with the Nebraska Liquor Control Act to  
17 the wholesaler, then transported by the wholesaler to another state  
18 for retail distribution, and then returned by the retailer to such  
19 wholesaler.

20           (3) The commission may issue a shipping license to  
21 any person who deals with vintage wines, which shipping license  
22 shall allow the licensee to distribute such wines to a licensed  
23 wholesaler in the state. For purposes of distributing vintage  
24 wines, a licensed shipper must utilize a designated wholesaler if  
25 the manufacturer has a designated wholesaler. For purposes of this

1 section, vintage wine shall mean a wine verified to be ten years  
2 of age or older and not available from a primary American source  
3 of supply.

4 (4) The commission may issue a shipping license to any  
5 person who sells and ships alcoholic liquor from another state  
6 directly to a consumer in this state. A person who receives a  
7 license pursuant to this subsection shall pay the fee required in  
8 subdivision (11) of section 53-124. Until April 30, 2012, such fee  
9 shall be collected by the commission and remitted to the State  
10 Treasurer for credit to the Winery and Grape Producers Promotional  
11 Fund.

12 (5) The commission may issue a special shipping permit to  
13 a manufacturer located outside of the State of Nebraska which does  
14 not hold any other license under the Nebraska Liquor Control Act.  
15 Such permit shall allow the holder to ship wine, beer, or spirits  
16 from outside of the state only to a holder of a special designated  
17 license pursuant to section 53-124.11. The permitholder is liable  
18 for taxes due on the wine, beer, or spirits under sections 53-160  
19 and 53-164.01. The commission shall issue the permit only for the  
20 purpose of allowing a special designated license holder to import  
21 wine, beer, or spirits for a special event, such as a tasting or  
22 a festival. The permit shall be valid only for a period of time  
23 designated by the commission to allow the shipment of the wine,  
24 beer, or spirits to the special designated license holder for the  
25 duration of the special event. The commission shall set the fee

1 for the permit at an amount which covers the expense of processing  
2 the application for the permit, not to exceed fifty dollars. The  
3 commission shall remit the fee to the State Treasurer for credit to  
4 the General Fund.

5 ~~(5)~~ (6) The application for a shipping license or special  
6 shipping permit shall be in such form as the commission prescribes.  
7 The application shall contain all provisions the commission deems  
8 proper and necessary to effectuate the purpose of ~~any section~~  
9 ~~of~~ the act and the rules and regulations of the commission that  
10 apply to manufacturers and shall include, but not be limited to,  
11 provisions that the applicant, in consideration of the issuance of  
12 such shipping license or special shipping permit, agrees:

13 (a) To comply with and be bound by section 53-164.01 in  
14 making and filing reports, paying taxes, penalties, and interest,  
15 and keeping records;

16 (b) To permit and be subject to all of the powers granted  
17 by section 53-164.01 to the commission or its duly authorized  
18 employees or agents for inspection and examination of the  
19 applicant's premises and records and to pay the actual expenses,  
20 excluding salary, reasonably attributable to such inspections and  
21 examinations made by duly authorized employees of the commission  
22 if within the United States; and

23 (c) That if the applicant violates any of the provisions  
24 of the application, ~~or~~ the license or permit, ~~any section of~~ the  
25 act, or ~~any of~~ the rules and regulations of the commission that

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1 apply to manufacturers, the commission may revoke or suspend such  
2 shipping license or special shipping permit for such period of time  
3 as it may determine.

4           Sec. 2. Original section 53-123.15, Revised Statutes  
5 Cumulative Supplement, 2008, is repealed.